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*Juan L. Mozqueda-Leon*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JUAN L. MOZQUEDA-LEON,

Plaintiff,

vs.

AMERICAN BUILDERS &  
CONTRACTORS SUPPLY CO., INC., a  
foreign corporation; L&W SUPPLY  
CORPORATION, a foreign corporation; and,  
DOE INDIVIDUALS I through X; and ROE  
BUSINESS ENTITIES I through X,

Defendants.

Case No.: 2:22-cv- 00594-RFB-DJA

**JOINT STIPULATION AND  
~~PROPOSED~~  
ORDER TO STAY DISCOVERY  
DEADLINES  
(SECOND REQUEST)**

Pursuant to Local Rule (“Local Rule”) IA 6-1, LR IA 6-2 and LR 7-1, Plaintiff Juan L. Mozqueda-Leon (“Plaintiff”), and Defendants American Builders & Contractors Supply Co., Inc. (“ABC”) and L& W Supply Corporation (“L&W”) (collectively “Defendants”), by and through their respective undersigned counsel, hereby stipulate and agree to stay the current proceedings and extend all of the deadlines as enumerated in the parties’ Discovery Plan and Scheduling Order (EFC No. 23) by forty-five (45) days, effective September 21, 2022. This is the second request and stipulation for a stay and extension of all deadlines by the parties and is not

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1 being done for the purpose of delay.

2 **I. Discovery Completed to Date**

3 Defendants served their Initial Disclosures on June 1, 2022. Plaintiff also served his Initial  
4 Disclosures on June 1, 2022. On July 5, 2022, August 5, 2022, August 12, 2022, and August 19,  
5 2022, Defendants supplemented their Initial Disclosures.

6  
7 On May 19, 2022, Plaintiff propounded written discovery upon Defendants. The parties  
8 have conducted several meet and confers regarding Defendants responses and continue to work  
9 towards resolution of outstanding issues. On July 20, 2022, Defendant L&W propounded written  
10 discovery on Plaintiff. On July 5, 2022, Defendants responded to Plaintiff's written discovery  
11 requests. On or about July 20, 2022, Plaintiff served a Request for Production, Set Two.

12  
13 Defendants served Subpoena Duces Tecum to the Nevada Department of Employment,  
14 Training and Rehabilitation ("DETR") on July 19, 2022. DETR's subpoena response was  
15 produced to Plaintiff on August 12, 2022. Plaintiff served a Subpoena Duces Tecum to the  
16 Nevada Equal Rights Commission ("NERC") on or about August 2, 2022, compliance is expected  
17 within the coming week.

18 **II. Remaining Discovery to be Completed**

19 All depositions of parties and percipient witnesses have yet to be conducted. The  
20 depositions of Penny Fiore and Rachel Sterk were scheduled to be held on August 26, 2022, and  
21 August 29, 2022, respectively. Responses to written discovery are also being supplemented and/or  
22 responded to by both parties.

23  
24 **III. Reason Discovery Cannot be Complete Within the Original Deadline**

25 As stated in the parties' previous request, Plaintiff's lead counsel, Ms. Neal, had to attend  
26 to an emergency medical issue. As a result, Ms. Neal has been placed on a medical leave of  
27  
28

1 absence until October 20, 2022, while receiving daily treatments, therapy, and further evaluations  
2 regarding the need for surgical intervention. To conduct discovery in the most efficient manner,  
3 the parties have agreed that discovery should be stayed for forty-five days (45) days, effective  
4 September 21, 2022.

#### 5 **IV. Revised Proposed Discovery Plan**

6 All discovery in this case has and will continue to be conducted in accordance with the  
7 Federal Rules of Civil Procedure and applicable Local Rules of this District Court. The parties  
8 propose to the court the following deadlines:

9  
10 **a. Discovery Cut-off Date:** The discovery cut-off deadline shall be **Monday,**  
11 **January 28, 2023.**

12  
13 **b. Expert Disclosures.** In accordance with Rule 26(a)(2), initial disclosures  
14 identifying experts shall be made sixty (60) days prior to the discovery cut-off date, and therefore,  
15 not later than **Tuesday, November 29, 2022.** Disclosures identifying rebuttal experts shall be  
16 made thirty (30) days after the initial disclosures of experts and, therefore, not later than  
17 **Thursday, December 29, 2022.**

18  
19 **c. Dispositive Motions:** The parties shall file dispositive motions not more than  
20 thirty (30) days after the discovery cut-off date and, therefore, not later than Monday, February  
21 27, 2023.

22  
23 **d. Pretrial Order:** If no dispositive motions are filed, and unless otherwise ordered  
24 by this Court, the Joint Pretrial Order shall be filed no more than thirty (30) days after the date set  
25 for filing dispositive motions and, therefore, not later than **Wednesday, March 29, 2023.** In the  
26 event a dispositive motion is filed, the date for the filing pretrial order shall be suspended until  
27 thirty (30) days after the decision of the dispositive motions or further order of the Court.  
28

e. **Fed. R. Civ. P. 26(a)(3) Disclosures:** If no dispositive motions are filed, and unless otherwise ordered by this Court, the parties shall file the disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, with the Pretrial Order pursuant to Local Rule 26-1(b)(5), not more than thirty (30) days after the date set for filing dispositive motions and, therefore, not later than **Wednesday, March 29, 2023**.

f. **Extension or Modification of the Discovery Plan and Scheduling Order:** In accordance with Local Rule <sup>26-3</sup>~~26-4~~, any motion or stipulation to extend a deadline set forth in this discovery plan and scheduling order shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline.

Dated this 21<sup>st</sup> day of September 2022.

Dated this 21<sup>st</sup> day of September 2022.

/s/ Victoria L. Neal

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*AMERICAN BUILDERS & CONTRACTORS  
SUPPLY CO., INC and L&W SUPPLY  
CORPORATION*

## **ORDER**

**IT IS SO ORDERED:**

Dated: 9/22/2022

  
UNITED STATES MAGISTRATE JUDGE  
HONORABLE DANIEL J. ALBREGTS